

# **Disadvantaged Business Enterprise (DBE)**

**Each Bidder's (or Proposer's)  
Responsibility  
for Outreach Efforts**



# Nonnegotiated Contract

Name of Project:

City of Tempe Project #: 6008511

City of Phoenix, Public Transit Department

DBE Compliance Officer

Renee L. Standing tree

Date: August 10, 2017



# DBE Program Overview

- The Federal Transit Administration (FTA) has provided funding for this contract.
- Under federal regulations, FTA requires the Phoenix Public Transit Department (Agency) to encourage, track, and report DBE and Small Business participation in the contract.
- In accordance with the regulations, the Agency has set a triennial goal of 4.97% DBE participation for FTA-funded contracts
- All DBE participation must be achieved through race-and-gender-neutral measures.



# What is a Small Business?

- **Small Business Enterprise (SBE)** is a small business that has successfully completed the Phoenix SBE certification process.
- **Disadvantaged Business Enterprise (DBE)** is a small business that has been certified as a DBE by the City of Phoenix or another Arizona Unified Certification Program (AZUCP) member.
- **Small Business Concern (SBC)** is a registration defined Section 3 of the Small Business Act 13 CFR part 121.



# Bidder's Required Outreach Efforts

Each bidder *must* demonstrate that the bidder has performed the following outreach efforts. The bidder *must*:

- **Identify** DBE and Small Business participation opportunities.
- **Solicit** proposals from DBEs and small businesses.
- **Evaluate** in good faith each DBE and Small-Business proposal.
- **Communicate** selection decisions to DBEs and Small Businesses, including each rejection of a DBE or Small Business proposal.



# Bidder's Required Outreach Efforts

- Each bidder must demonstrate its outreach efforts (*identify, solicit, evaluate, and communicate*) in **documentation submitted with the bid**.
- These outreach efforts are *required* as a condition of responsiveness.
- If the bidder fails to conduct outreach or fails to submit the required documentation, the Agency may declare the bidder's bid, statement of qualifications, or proposal **nonresponsive**.
- Nonresponsive bids, statements of qualifications, or proposals will be *rejected*.



# A few words about DBEs . . .

- To be counted, a firm must be officially *certified* as a DBE. The Arizona Unified Certification Program maintains a current list of officially certified DBEs at <https://utracs.azdot.gov>
- A DBE must also be certified *in the trade* for which the bidder plans to utilize the DBE on this contract.
- A DBE must perform or exercise responsibility for at least **30%** of the value of its contract *with its own forces and equipment*.



# Outreach Documentation Requirements

- Each bidder must complete and submit (1) **Attachment A, columns A – D**, and (2) ***all supporting documentation*** of the bidder's outreach efforts. These are due at the time of the bid, statement of qualifications, or proposal.
- The bidder must fill in all of the information requested in Attachment A, columns A – D.



## ATTACHMENT A Outreach Efforts

Project Title:	Project NO:	
Bidder's Name:	Phone #:	Point of Contact:
Mailing Address:	City:	State: Zip: E-mail:

**Each submitter must conduct outreach efforts and submit documentation of those outreach efforts as described in Sections III and IV of the Disadvantaged Business Enterprise (DBE) Program Race- and Gender-Neutral Contract Clause (Contract Clause). Detailed instructions for this form are included in Section IV of the Contract Clause. Supporting documentation is required for columns D and F. Submitters should make additional copies of this form as needed.**

(A) Small Business Name and Contact Information	(B) Business Status	(C) Scope of Work Solicited	(D) Solicitation Method	(E) Small Business Selection Decision	(F) Communication of Selection Outcomes
Name: Address: City, State, Zip:      Number of Employees: Phone Number:      E-Mail or Fax: Range of Annual Gross Receipts:      Number of Years in Business:	<input type="checkbox"/> DBE <input type="checkbox"/> SBC - Small Business Concern <input type="checkbox"/> SBE - City of Phoenix Certified <input type="checkbox"/> Unknown	  Estimated Percentage of total contract value:      %	<input type="checkbox"/> Newspapers or Websites <input type="checkbox"/> Trade and/or Professional Listing <input type="checkbox"/> Business Outreach Events <input type="checkbox"/> E-mail blast <input type="checkbox"/> Other	<input type="checkbox"/> Firm was selected <input type="checkbox"/> Firm was not selected  Explain why this firm was not selected as a proposed participant	Date:  Methods of Communication
Name: Address: City, State, Zip:      Number of Employees: Phone Number:      E-Mail or Fax: Range of Annual Gross Receipts:      Number of Years in Business:	<input type="checkbox"/> DBE <input type="checkbox"/> SBC - Small Business Concern <input type="checkbox"/> SBE - City of Phoenix Certified <input type="checkbox"/> Unknown	  Estimated Percentage of total contract value:      %	<input type="checkbox"/> Newspapers or Websites <input type="checkbox"/> Trade and/or Professional Listing <input type="checkbox"/> Business Outreach Events <input type="checkbox"/> E-mail blast <input type="checkbox"/> Other	<input type="checkbox"/> Firm was selected <input type="checkbox"/> Firm was not selected  Explain why this firm was not selected as a proposed participant	Date:  Methods of Communication
Name: Address: City, State, Zip:      Number of Employees: Phone Number:      E-Mail or Fax: Range of Annual Gross Receipts:      Number of Years in Business:	<input type="checkbox"/> DBE <input type="checkbox"/> SBC - Small Business Concern <input type="checkbox"/> SBE - City of Phoenix Certified <input type="checkbox"/> Unknown	  Estimated Percentage of total contract value:      %	<input type="checkbox"/> Newspapers or Websites <input type="checkbox"/> Trade and/or Professional Listing <input type="checkbox"/> Business Outreach Events <input type="checkbox"/> E-mail blast <input type="checkbox"/> Other	<input type="checkbox"/> Firm was selected <input type="checkbox"/> Firm was not selected  Explain why this firm was not selected as a proposed participant	Date:  Methods of Communication



# Outreach Documentation Requirements

- Within three business days after the request by agency, each bidder must submit (1) its small business selection decisions, and (2) its method of communicating those selection decisions/outcomes to DBEs and Small Businesses (**columns E and F** of Attachment A) together with related **supporting documentation**.
- This documentation must include (1) the identities of the DBEs and Small Businesses that the bidder has negotiated with and the firms that will participate in the contract, and (2) copies of the **actual solicitations** sent to interested DBEs and Small Businesses.



# Outreach Documentation Requirements

- Also within three business days, each bidder must submit **supporting documentation** that establishes how, when, and to whom the bidder communicated its **selection decisions and outcomes** to each DBE and Small Business *not* selected for this contract.
- All of this documentation may be in the form of a letter, e-mail, telephone log, or other acceptable form, which ever is applicable for the communication made. The documentation must show the name of the specific *person* contacted and the date of the contact.



# Successful Bidder's Documentation Requirements

- The **successful** bidder must complete and submit **Attachment B within three business days after the request by Agency.**
- The successful bidder will be contractually obligated to achieve the participation percentage in **Attachment B.**
- The successful bidder must ensure that the DBE and Small Business participation percentages proposed in Attachment B add up to the *total* percentage stated in Attachment A.

**ATTACHMENT B**  
**SMALL BUSINESS UTILIZATION COMMITMENT**  
**(NONNEGOTIATED CONTRACTS)**

On behalf of the Bidder, I certify under penalty of perjury that the following information is true and correct.

- 1) The firms indicated as selected in Attachment A, Outreach Efforts, will participate in this contract.
- 2) The Bidder will comply with the Race- and Gender-Neutral post-award requirements stated in the DBE contract clause.
- 3) The Bidder understands and agrees that any and all changes or substitutions must be authorized by the DBE Compliance Specialist before implementation.
- 4) The following statement is true and correct: The proposed total participation of DBE, SBC, and SBE firms on this Contract will be: \_\_\_\_\_%

Signed:

Print Name:

Title:

Name of Company:

Date:

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# The Last Word on Responsiveness . . .

- If the successful bidder fails to timely submit completed Attachments A or B or fails to timely submit the required supporting documentation, Phoenix may declare the bidder's bid, statement of qualifications, or proposal non-responsive.
- A determination of non-responsiveness *disqualifies* the bidder from further consideration for award of this contract.



# Most Common Errors In DBE Attachments and Documentation

## **Attachment A common errors**

- The solicitation method (column D) is left blank.
- The firm selection decision (column E) is left blank.
- The bidder does not indicate how, when, and to whom the bidder communicated its selection decisions and outcomes to DBEs and Small Businesses.
- The bidder omits documentation of solicitation methods (column D) or documentation that establishes when, how, and to whom the bidder communicated selection decisions and outcomes.



# Most Common Errors in DBE Attachments and Documentation

## **Attachment B common errors**

- The DBE and Small Business participation percentages detailed in Attachment A do not add up to the total DBE and Small Business participation percentage stated in Attachment B.
- Failure to sign Attachment B or fill it out completely.